



Louisiana State Board of Embalmers and Funeral Directors New Orleans, LA

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Public Records Request

This office is required to provide public records upon receipt of a request, preferably in writing. The request may be sent by email, fax, or USPS mail.

Once the request has been received, a review of the request will be made, and a determination of time will be estimated through a return reply.

A time estimation for producing records require a review of the request and depend on the extent of the time frame and the amount of the documents, such as if the request is for several years in the past, what documents are to be produced and if any redaction needs to be made to any information within the pages.

Redaction is the process of removing sensitive information from public view such as social security numbers, birthdates, medical information, etc. This process requires printing the records and manually "covering" the information with whiteout tape or black ink.

Should the request be determined to substantially disrupt required government operations, the request for access may be denied after reasonable attempts to narrow or specify the request with the requestor.

There are many years of files that are still in hard copy that have not been scanned into the computer system. Most of the LSBEFD's recent records are scanned to files on the computer. All files, even though they are stored on computers, will require research, and review.

Please refer to the Public Records Law and subsequent information with this notice.

Please do not hesitate to contact this office if you have any questions.

RS 44:32

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

A.(1) The custodian shall present any public record to any person of the age of majority who so requests. The custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any such person; and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted by this Chapter; provided that nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined; and provided further, that examinations of records under the authority of this Section must be conducted during regular office or working hours, unless the custodian shall authorize examination of records in other than regular office or working hours. In this event the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public body having custody of such record, out of funds provided in advance by the person examining such record in other than regular office or working hours. The custodian shall be permitted to make an inquiry regarding the specificity of the records sought by the applicant if, after review of the initial request, the custodian is unable to ascertain what records are being requested.

(2) If the custodian reasonably determines that the request would substantially disrupt required government operations, the custodian may deny access only after reasonable attempts to narrow or specify the request with the requestor.

B. If any record contains material which is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting, unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request. The custodian may establish and collect reasonable fees for making copies of public records, which may include the transmission of electronic copies of public records. The custodian may request payment of fees in advance of production. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

(b) For all public records in the custody of a clerk of court, the clerk may also establish reasonable uniform written procedures for the reproduction of any such public record. Additionally, in the parish of Orleans, the recorder of mortgages, the register of conveyances, and the custodian of notarial records may each establish reasonable uniform procedures for the reproduction of public records.

(c) The use or placement of mechanical reproduction, microphotographic reproduction, or any other such imaging, reproduction, or photocopying equipment within the offices of the clerk of court by any person described in R.S. 44:31 is prohibited unless ordered by a court of competent jurisdiction.

(d) Any person, as provided for in R.S. 44:31, may request a copy or reproduction of any public record and it shall be the duty of the custodian to provide such copy or reproduction to the person so requesting.

(2) For all public records of state agencies, it shall be the duty of the custodian of such records to provide copies to persons so requesting, unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request. Fees for such copies shall be charged according to the uniform fee schedule adopted by the commissioner of administration as provided by R.S. 39:241 or as otherwise fixed or provided by law. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

(3) No fee shall be charged to any person to examine or review any public records, except as provided in this Section, and no fee shall be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.

D. In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within five days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor. Such written notification shall contain a reference to the basis under law which the custodian has determined exempts a record, or any part thereof, from inspection, copying, or reproduction.

Amended by Acts 1968, No. 473, §1; Acts 1978, No. 686, §1; Acts 1981, No. 933, §2; Acts 1989, No. 404, §1, eff. June 30, 1989; Acts 1995, No. 372, §2, eff. July 1, 1995; Acts 1999, No. 1154, §1; Acts 2004, No. 759, §1; Acts 2005, No. 193, §2; Acts 2016, No. 525, §1; Acts 2022, No. 337, §1, eff. June 10, 2022; Acts 2022, No. 770, §1.

Title 4 ADMINISTRATION Part I. General Provisions

Chapter 3.Fees §301. Uniform Fee Schedule for Copies of Public Records

A. Copies of public records furnished to a person so requesting shall be provided at fees according to the following schedule.

B.1. Charges for the first copy of any public records shall be at a minimum \$0.25 per page for microfiche reproductions or paper copies up to 8 1/2 by 14 inches.

2. A two-sided copy shall be considered two pages.

C. Charges for copies of public records on paper larger than 8 1/2 by 14 inches shall be the same as the actual cost to the agency for copying same.

D. Charges for copies of public records on preprinted computer reports shall be the same rate specified in §301.A and B. Each agency shall develop a uniform fee schedule for providing printouts of public records stored in a computer data base utilizing routing utility programs. Such uniform fee schedule shall be first approved by the Division of Administration. An estimated cost shall be given for reproduction of public records stored in a computer which require program modification or specialized programs. The requesting party shall be advised of the estimate, and that it is an estimate, but the actual cost for reproduction, including programming costs, shall be charged if it differs from the estimate.

E. Agencies which have an established fee for copying public records that is in excess of those set forth in the rule must justify that fee in writing and have the established fee approved by the Division of Administration.

F. Copies of public records shall be furnished without charge, or at a reduced charge, to indigent citizens of this state or the persons whose use of such copies will be limited to a public purpose, including, but not limited to, use in a hearing before any governmental regulatory commission.

G. This schedule does not apply to copies of public records, the fees for the reproduction of which are otherwise fixed by law, nor shall this schedule apply to requests for copies from one state agency to another. AUTHORITY NOTE:

Promulgated in accordance with R.S. 39:241 and R.S. 44:32. HISTORICAL NOTE:

Promulgated by the Office of the Governor, Division of Administration, LR 8:411 (August 1982), amended LR 12:229 (April 1986).

Chapter 4.

Department of State §401. Department of State Non-Statutory Fee Schedule

A. The Department of State has established non-statutory fee schedules for various filings, services, and publications. If a product referred to in the schedules shown below has to be mailed, the cost for mailing said product would be added to the fee charged.

**1. Department of State General Fees Item Fee Express Delivery (Cost Per Package)
Actual Cost Non-Sufficient Funds Charge \$25.00**

Photocopies (Per Page) \$0.25

Postage (Per Package) Actual Cost

**Public Records Request Fee (Certify Public Records) (Cost Per Certification Form)
\$20.00**

Public Records Request Fee (Cost Per Page up to 8 1/2" X 14") (Two-sided copy is charged as two pages) (Including Facsimile) \$0.25

Public Records Request Fee (Cost Per Page for Printed Copy Greater Than 8 1/2" X 14") (Two-sided copy is charged as two pages) Actual Cost

Public Records Request Fee (Cost Per Page for CD-ROM or USB Drive) \$0.25

Public Records Request Fee (Cost Per Page for Electronic File Emailed) \$0.25

2. ...



PUBLIC RECORDS IN LOUISIANA

UNDERSTANDING LOUISIANA'S SUNSHINE LAWS

- The state public records law establishes what information must be shared with the public and what can be kept private by public employees.
- Any person who is 18 or older has a right to see or copy any public record, unless the law gives a specific reason why the record cannot be viewed. The public body must put that reason in writing.
- The law is complicated and filled with exceptions. It allows certain public employees (custodians) to decide where to draw the line between public and private documents. Generally, a custodian has five business days to let you know whether a record is public or private and whether the record will be made available to you. If you disagree with the custodian's decision, you may challenge the decision in court.

1. What is a public body?

A government agency, branch, office, department, board, commission, committee, subcommittee or other governing authority at the state, parish or local level. Private corporations that perform a governmental function may also be considered public bodies.

2. What is a public record?

Any document that is created, used or kept to perform the business of a public body, regardless of physical format. Public records include books, papers, letters, maps, pictures, drawings, photographs and recordings. Public records also include information stored electronically, such as in e-mail and databases.

3. How do I see (examine) a public record?

At no cost, you can examine any public record in the office where it is kept during regular working hours. Special permission may be needed to allow you to see a record in a different place or at a different time. The person responsible for keeping the record can make reasonable rules to make sure that you do not destroy, damage or alter a record while you are examining it.



- *The law calls the person in charge of releasing or protecting records the "custodian." The person in charge of any public body is automatically a records custodian, but the responsibility can also be granted to other employees who handle records. Most public bodies name only a few people to handle all public records requests.*
- *The custodian may ask for your name and age before showing you a public record. Also, the custodian may ask you to sign a list so he or she can keep track of who has seen or copied a certain record. The custodian can ask questions about the specific records being sought if unable to determine what records are requested.*

4. How do I get a copy of a public record?

You may ask for a public record in any manner—over the phone or in person, by email or in a letter. To protect your right to sue in case of a dispute, you should always request records in writing and date your request.



- *You can call the main phone number of any public body and ask where you should send your records request so that it will reach the custodian.*
- *If you reach someone who is not helpful, call again or ask to speak to a supervisor. Not all public employees are fully aware of your rights to see records.*

5. How much do copies of public records cost?

There is no cost to see (examine) a public record if you do not need copies, unless the public body has to provide you with extra assistance. For example, if you want to examine records outside of regular working hours, the body might charge a fee to cover the cost of keeping the office open.

State Agencies:

- State agencies usually charge 25 cents per page for regular-size paper documents.

- The agency may charge more for larger paper copies. The agency also may charge more for information stored in a computer system if special work is required to pull the information.

Other Public Bodies:

- The custodian can set “reasonable” fees. What “reasonable” means is decided on a case-by-case basis. A custodian doesn’t have to charge a fee.



- Keep your records request simple and clear to be sure you get what you are asking for. If you ask for “all records relating to...” something, you might be asking for thousands of pages of information.
- Ask the custodian what the charge will be before copies are made. You do not owe the fee unless you agree to the cost of receiving the records.
- A custodian can refuse to provide information if he or she deems your records request so large that it “would substantially disrupt required government operations” to fulfill, but only after making “reasonable attempts” with you to narrow the request.

6. Which records are not open to the public?

Many kinds of records are exempt from the public records law and can be kept private because of the sensitive nature of the information in them. Examples of private information include:

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| - Budget proposal research | - Hospital & medical information |
| - Criminal case investigation files | - Insurance, health & accident information |
| - Economic development negotiations | - Personally identifiable personnel information |
| - Governor’s communication with internal staff | - Trade secrets of companies |

7. How long can a custodian wait before answering my public records request?

If the custodian decides the record is not a public record, he or she must respond within five business days of your request and give you the legal reason for the decision in writing.

If the record is a public record and available, it must be given to you immediately. If it is a public record and not available (because it is being used by someone else), the custodian must let you know this in writing. The custodian also must provide a specific time (within five business days of your request) when the record will be available to you.

8. How long does a public body have to keep a public record?

In most cases, public records (regardless of form) must be kept for at least three years from the date they were created.

9. What can I do if I think a custodian has violated the public records law?

Call the state attorney general’s office or the local district attorney (or both) with your concern. Also, you may hire a lawyer and sue the custodian and the public body if:

- You are denied access to a record that you believe should be available, or
- Five or more business days pass from the time you make your written records request and the custodian has not responded to tell you whether or not the record will be released.

Custodians (or their public body) who violate the law may have to pay legal fines, damages and the suing person’s legal fees. Custodians who violate the law also may be required to serve time in prison.